



RCRA Implementation Plan: Fiscal Year 1994 Addendum

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 17 1993

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Addendum to the FY 94 RCRA Implementation Plan

FROM: Richard J. Guimond
Assistant Surgeon General, USPHS
Acting Assistant Administrator

TO: Regional Waste Management Division Directors
Regions I- X

State Waste Management Directors

Attached is the addendum to the FY 94 RCRA Implementation Plan (RIP). The purpose of the addendum is to provide additional information and guidance to assist Regions and States in their implementation and reporting efforts. The addendum includes several key components:

- Additional guidance for implementing the Agency's new hazardous waste combustion strategy. This guidance supplements the information provided in Chapter 3 of the RIP;
- FY 94 Beginning-of-Year Plan (BYP) Guidance, developed by a Headquarters/Regional Workgroup, clearly defining the purpose, content, and format of the BYP (due to Headquarters by November 17, 1993);
- Definitions of our major RCRA program universes and selected key RCRA terms, intended to facilitate consistent tracking of data in RCRIS;
- Corrections to the FY 1994 RIP Appendix A - STARS Measures (Corrective Action section), to add a measure that had inadvertently been left out and to provide additional clarification; and
- Responsiveness Summary, providing Headquarters' reply to the major comments received on the draft RIP.

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We originally anticipated including in the FY 94 RIP Addendum the summary of enhancements to the Resource Conservation and Recovery Information System (RCRIS) approved through the configuration management process and scheduled for implementation in the fall release of the software. However, the summary of enhancements has already been released under a separate memorandum as part of the RCRIS Quarterly Report (July 1993). Therefore, we did not include it in the Addendum. For information regarding the RCRIS Quarterly Report, contact Kevin Phelps, Chief, Systems Development and Support Section, (202) 260-4697.

The Addendum also does not include a section on FY 1993 End-of-Year Reporting. OSW is planning to run the Baseline Performance Measures reports from the RCRIS National Oversight Database after the final update of the fiscal year. Those reports will constitute the End-of-Year reports. If Regions choose, they may submit narratives to supplement the reports. However, such narratives are optional.

Thank you for your active participation in developing the various components of this addendum. As always, OSW and OWPE would appreciate any comments or suggestions you have for improving next year's guidance development process.

Attachment

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United States
Environmental Protection
Agency

Solid Waste and
Emergency Response
(OS-305)

August 1993

FY 1994

RCRA

IMPLEMENTATION

PLAN

ADDENDUM

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**ADDITIONAL GUIDANCE
REGARDING
IMPLEMENTATION OF THE
HAZARDOUS WASTE COMBUSTION STRATEGY**

Additional Guidance**regarding****Implementation of the Hazardous Waste Combustion Strategy**

The FY 1994 RCRA Implementation Plan (RIP) identified as a key permitting strategic goal the development of a strategy to ensure that operating Boilers and Industrial Furnaces (BIFs) meet all appropriate requirements for safe operation. The groundwork set forth in the RIP provides a framework for implementing the Agency's draft strategy on hazardous waste combustion, as announced by Administrator Carol Browner on May 18, 1993. It is now important to provide additional RIP guidance to reflect the heightened priority for source reduction related to combustible waste and for combustion unit permits (mostly BIFs, but also includes interim status incinerators), and to underscore the need to elevate the priority of commercial BIFs.

The draft hazardous waste combustion strategy is designed to reduce the amount of hazardous waste generated in this country and to strengthen the Federal controls governing hazardous waste incinerators and BIFs. A key component of the combustion strategy calls for a national review of the relative roles of waste reduction and waste combustion in hazardous waste management. This Administration is committed to source reduction as our first and primary approach to waste management. EPA will use all its persuasive abilities and its authorities to maximize source reduction and to have generators take on waste minimization as their top waste management priority.

The draft strategy also emphasizes the importance and priority of permitting hazardous waste combustion facilities (incinerators and BIFs) in FY94 for the Regions and States. The strategy calls for EPA Regional Offices to give highest priority during the next 18 months to bringing under EPA's permitting standards all existing interim status hazardous waste incinerators and BIFs. Lower priority is given to new permit applications and permit modifications for additional combustion capacity, except where new capacity offsets the retirement of existing combustion capacity. This priority will ensure that existing facilities are operating as safely as possible to protect human health and the environment.

In addition, for all permits issued, the strategy provides that the Regions use case-by-case authority to implement additional controls as necessary to protect human health and the environment. These additional controls may include an interim dioxin emission standard, a more stringent standard for particulate emissions and greater opportunity for public involvement in the permitting process. In addition, the strategy calls for the Regions and States to conduct a full risk assessment (including indirect

exposure) before any new permit is issued.

As stated above, implementing the draft combustion strategy is a high priority for FY 94 and must be considered together with other priority activities. Regions and States should use the existing flexibility in the ranking criterion for evaluating overall environmental priority of facilities and elevate the priority of appropriate combustion facilities.

Among the BIF universe, commercial BIFs will have the highest priority. Therefore, the first step to be taken in implementing the draft strategy is to call in the Part B permit applications for all commercial BIFs by May 1994. All remaining BIF Part Bs should be called in during the succeeding 24 months (i.e., by May 1996). Permit determinations should be made as expeditiously as feasible to control those operations that can be operated safely as well as deny permits at those facilities that cannot be operated safely.

In addition, more use of permits and enforcement actions should be made to effectively result in more source reduction initiatives by generators of hazardous waste. A strategy should be developed to identify generators that the Regions and States will work with closely under RCRA authorities, other State authorities, education and technical assistance, and voluntary mechanisms.

Additional guidance regarding implementation of the hazardous waste combustion strategy, particularly in terms of identifying appropriate combustion facilities to be elevated in priority, is included in the FY 94 Beginning-of-Year Plan (BYP) guidance.

Range of Possible Waste Minimization Activities

The May 1993 Combustion and Waste Reduction Strategy reaffirms the Agency's commitment to waste minimization. Regions and Headquarters are strongly encouraged to aggressively seek opportunities for promoting and creatively implementing waste minimization concepts. Although many Regions have already initiated Region-specific waste minimization activities, several have requested additional guidance for waste minimization activities that they might initiate or pursue to enhance their existing programs. In response to that request, Headquarters has identified a number of waste minimization activities that Regions may want to participate in to assist in implementing the Combustion and Waste Reduction Strategy or to enhance their own waste minimization programs.

Public Outreach:

- Headquarters will be sending letters to all Large Quantity Generators (LQGs) identified as reporters for the 1991 Biennial Report to encourage them to make their waste minimization "programs in place" available to the public. Regional assistance will ensure that letters are sent only to organizations that are correctly identified as LQGs. Generators receiving the letters will likely contact the Regions. Therefore, the Regions should be prepared to provide referrals to technical assistance centers, etc.
- The Regions may want to enhance public awareness by using the Biennial Reporting System data which identifies the LQGs. Examples of how to use the information include: 1) to conduct outreach to selected generators to establish a dialogue with them on their use of combustion capacity; 2) to publicize, through local media, these generators' contributions to combustion facilities located in the Region; or 3) to exchange this information with other Regions where the waste is being shipped, so that those other Regions may publicize information identifying the contributors to the combustion activity in those Regions.

Permitting:

- The Regions should continue to include the waste minimization certification requirements in TSD permits for generators who manage their hazardous waste on-site. Headquarters will continue to work on resolving the Information Collection Request issue related to expanding waste minimization requirements in permits.

- The Regions could reward, through positive publicity, those permitted TSDs managing hazardous waste generated on-site, which are certifying at least annually that they have a waste minimization program in place.

Enforcement:

- The Regions are encouraged to vigorously enforce the LQGs' requirement to certify, on the manifest, that they have a program in place to reduce the volume and toxicity of waste generated; the small quantity generators' (SQGs) requirement to certify, on the manifest, that they have made a good faith effort to minimize waste generation; and the permitted TSDs' requirement to certify, no less than annually, that they have a program in place to reduce the volume and toxicity of waste generated which is managed on-site.
- The Regions can continue to use Supplemental Enforcement Projects, according to applicable guidance, to require waste minimization and pollution prevention activities as part of enforcement settlements.

Capacity Assurance Process:

- The Capacity Assurance guidance can be used to encourage States to promote waste minimization. Headquarters will be providing training to the States on this topic, in the context of Capacity Assurance Planning, in FY 94.

Technical Assistance/Grants:

- The Regions are encouraged to develop and maintain ties with state-based and academic waste minimization/pollution prevention technical assistance centers, to be able to refer inquiries from the regulated community to appropriate resources. Headquarters encourages Regions to use the guidance on state grant flexibility to promote state involvement in providing technical assistance.

FY 1994
BEGINNING OF YEAR PLAN
GUIDANCE

**FY 1994
BEGINNING OF YEAR PLAN**

**PRIORITY RANKING
PERMITTING
CORRECTIVE ACTION
ENFORCEMENT**

INTRODUCTION

The purpose of the FY 1994 Beginning of Year Plans (BYPs) is to provide a description of how the Regions and States are implementing and enforcing the RCRA program. In particular, Headquarters intends the BYPs to be used for strategic planning (i.e., by providing information on what States and Regions are planning to accomplish, both in the near and long term) and to serve as a basis for more timely Headquarters feedback to the Regions. It is hoped that the FY 1994 BYP will become a baseline from which Headquarters will be able to more effectively monitor the progress of RCRA program implementation and enforcement. The BYP also provides Headquarters with data that enables it to better communicate the direction and the successes of the RCRA program.

In the past, Headquarters has not requested such a comprehensive description of the RCRA enforcement program in the BYPs. However, for the first time, the Regions and States are setting their own compliance monitoring and enforcement activity levels based on criteria and guidelines established in the FY 1994 RIP. As a consequence of this added flexibility, the Regions and States must provide Headquarters with a more detailed picture of how they plan to carry out the RCRA enforcement program in their Region/State. This includes a fairly detailed breakdown of Regional enforcement resource allocation.

The FY 1994 BYP requirements reflect new guidance and an improved format for the BYP. The most significant change is the inclusion of data tables to be filled in by the Regions. The purpose of these tables is to ensure that Headquarters obtains adequate information to understand RCRA program implementation and enforcement, while at the same time simplifying the BYP process by clearly defining for the Regions the type of information that Headquarters needs. General instructions for completing these tables are provided below.

GENERAL INSTRUCTIONS FOR COMPLETING PRIORITY RANKINGS, PERMITTING, AND CORRECTIVE ACTION DATA TABLES

You will find a number of data tables for each program area below. General instructions applicable to all tables are provided here; instructions applicable only to one table are provided with the table itself.

- With one exception, the tables in Section II provide for reporting permitting data broken down according to overall environmental priority.
- Where data are requested for facilities with particular unit types (i.e., land disposal processes or treatment and storage processes), all facilities with those process types should be included. We recognize that this will result in double counting of facilities.
- When providing numbers for universes (e.g., number of facilities on permit track, number of closure plans approved through FY 1993, etc.), please use the RCRIS select logic used for generating the Baseline Performance Measures (BPM) reports. Use of this select logic will ensure data consistency across the Regions and will better enable Headquarters to evaluate the national RCRA program. It will also promote consistency in reporting of actual program accomplishments and projected program activity.

[Note: Currently, the BPM select logic references the track information in the Program Management Module of RCRIS. Although the system will be modified in FY 94 to allow maintenance of this information in the Permitting Module, we do not anticipate being able to take advantage of the modification until FY 95.]

- Where data are requested for actual program accomplishments in FY 1993, Regions should provide the data using FY 1993 STARS logic, with the additional step of breaking the facility counts out by high, medium/low, and unranked overall environmental priority.

GENERAL INSTRUCTIONS FOR THE ENFORCEMENT SECTION

- There are a few questions that were asked in the FY-1993 BYP that are being asked again as follow-up. These include the following:
 - The Supplemental Environmental Projects questions in Part IV.C, Enforcement Action Activities, and
 - The Permitting questions in Part IV.F, Other Questions.
- If there is no change in the Region's or State's response from the FY 1993 BYP, you may respond by indicating "No change from FY 1993" to these questions.
- When completing the Enforcement Section, if the Region or State believes an explanation is necessary and there is no space provided, please use additional paper.

I. PRIORITY RANKING

A. STATUS AND STRATEGY

1. Instructions for Completing Table

Indicate the number of facilities in the RCRA universe that have been ranked and that remain to be ranked using the table below.

TABLE 1: PRIORITY RANKING

	Land Disposal Facilities	Incinerators*	BIFs	Treatment and Storage Facilities	Totals
Overall					
NCAPS only**					
Unranked***					
TOTALS					

* Does not include Burners and Industrial Furnaces (BIFs).

** "NCAPS only" category means that facilities are ranked for NCAPS but are not ranked for overall environmental priority.

*** "Unranked" means not yet ranked for NCAPS nor for overall environmental priority. Facilities should only appear in one of the three categories.

2. Narrative Discussion

- If facilities remain to be ranked, either for NCAPS or for overall environmental priority, please explain your Region's strategy and timetable for completing the rankings. (Optional update)
- Describe your strategy for reevaluating NCAPS and overall facility priority. What factors drive your decision to re-rank; what triggers re-ranking?

[Note: For some facilities, new information may become available which could have a substantial effect on the NCAPS ranking for the facility. It is also possible that a facility's ranking could change due to stabilization actions or other substantial cleanup actions being done. Regions and States are encouraged in these cases to re-rank the facility using NCAPS, and record the change in priority in RCRIS. Updated NCAPS rankings should be entered as an additional NCAPS ranking event for a given facility. The date of the new ranking should be entered. New rankings should not overwrite previous NCAPS rankings. Re-ranking of facilities will serve to ensure that ranking in the data base reflect the actual environmental conditions at those facilities.]

II. PERMITTING

A. PERMITTING STRATEGY

Land Disposal Facilities (LDFs) and Treatment/Storage Facilities (TSFs):

1. Instructions for Completing Tables

For each facility type (i.e., land disposal, treatment and storage), please provide the following information, broken out by overall environmental priority, using the tables below:

- Number of facilities on operating permit track (using Baseline Performance Measures select logic);
- Number of final permit determinations completed as of the end of FY 1993 (using FY 1993 STARS logic);*
- Projections for FY 1994; and
- Estimate of remaining permit universe to be addressed beyond FY 1994.

As noted earlier, Regions should provide these data broken out by overall environmental priority rankings.

TABLE 2: PERMITTING – LDFs

	Overall Environmental Priority			Total
	High	Medium/Low	Unranked	
Operating Permit Universe				
Determinations Completed through FY 93				
FY 94 Projections (R/C-1a)				
Remaining after FY 94				

TABLE 3: PERMITTING - TSFs

	Overall Environmental Priority			Total
	High	Medium/Low	Unranked	
Operating Permit Universe				
Determinations Completed through FY 93				
FY 94 Projections (R/C-1a)				
Remaining after FY 94				

2. Narrative Discussion

Please provide a narrative discussion of your permitting strategy, addressing the following issues:

- If medium/low overall environmental priority facilities have been selected for action in FY 1994, what is your rationale for selecting these facilities (e.g., has a state completed action at all of its high priority facilities)?
- If you are planning to commit substantial resources to activities at medium or low priority facilities, what plans exist for shifting activities back to high priority facilities?
- What is your time frame for completing permit issuance for the TSDFs that will not have permits after FY 1994?
- If you wish to discuss other aspects of your permitting program (e.g., permit renewals), please include such discussions in an additional narrative. (Optional)

Combustion Facilities (Incinerators and BIFs):

1. Instructions for Completing Tables

Implementing the Agency's hazardous waste combustion strategy is a high priority for FY 94 and must be considered together with other priority activities. To assist Regions and States in developing their strategic plans for permitting activities, we are providing the following guidance for determining the priority of combustion facilities, which should be used as a factor in assigning overall environmental priority rankings.

Regions and States should use the existing flexibility in the ranking criterion for evaluating overall environmental priority of facilities (from either an environmental significance or an environmental benefit perspective) to elevate the priority of appropriate combustion facilities. The criterion, as set forth in the RIP, provides for assignment of a qualitative environmental significance ranking for facilities that pose potential releases that are not evaluated by NCAPS (e.g., combustion units), as well as for evaluation of environmental benefit stemming from enhanced regulatory controls to improve hazardous waste management. For example, if a facility is currently ranked as a medium or low overall environmental priority, but is a high combustion permitting priority, then a Region or State could exercise the flexibility in the criterion to elevate its overall rank.

In completing Table 4 below, you will need to identify your universe of combustion facilities (incinerators and BIFs) and determine the overall environmental priority for each facility after considering their combustion permitting priority. The combustion permitting priorities should be consistent with those established by the combustion strategy. The strategy sets the following combustion permitting priorities:

- High: Commercial units in interim status
- Medium: Non-commercial units in interim status
- Low: New units

In addition, units used for chemical demilitarization, mixed waste incinerators, and new popping furnaces may be assigned a high, medium, or low ranking depending on their permit status and on the alternative methods of storage/treatment available for those wastes. For example, if the only treatment alternative to permitting a new popping furnace is open burning/open detonation (OB/OD), then the facility may be assigned a medium or high rank instead of low. Also, units being built for remediation purposes may also be ranked medium or high instead of low.

TABLE 4: PERMITTING - INCINERATORS AND BIFS

	Combustion Permitting Priority			Total
	High	Medium	Low	
Operating Permit Universe:				
Incinerators				
BIFs				
Determinations completed through FY 93				
FY 94 Projections:				
- Part B Call-ins				
Commercial				
Non-commercial				
- Trial Burn Completed				
Commercial				
Non-commercial				
- Permits Issued				
Commercial				
Non-commercial				
Remaining after FY 94				

[Note: Headquarters recognizes that BIF information is not easily identifiable in RCRIS; however, due to the fact that the combustion strategy is a high priority for the Agency, we are asking Regions to provide these data based on your knowledge of BIF activity in your Region]

2. Narrative Discussion

Please provide a narrative discussion of your combustion strategy, addressing the following issues:

- Of your projected Part B call-ins for FY 1994, how many are for incinerators? BIFs?
- After determining your combustion permitting priorities, what impacts did you observe on overall environmental priority rankings, i.e., how often did overall rankings get elevated as a result of the combustion permitting priority?
- What tradeoffs or changes in levels of permitting activities at non-combustion facilities (i.e., LDFs or TSFs) do you anticipate in order to support the new combustion strategy and the initiatives contained therein?

B. CLOSURE STRATEGY**1. Instructions for Completing Tables**

For each facility type (i.e., land disposal, incinerator, burners and industrial furnaces, treatment and storage), please provide the following closure information, broken out by overall environmental priority, using the tables below:

- Number of facilities on the closed and closing track (using Baseline Performance Measures select logic);
- Number of closure plans approved through the end of FY 1993 (using FY 1993 STARS select logic);
- Projections for FY 1994; and
- Estimate of remaining closed and closing universe to be addressed beyond FY 1994.

[Note: In accordance with regulatory requirements for closure, when discussing closure strategy:

- *The closed and closing LDF, BIF, and incinerator universes include facilities where at least one unit at the facility is closed or closing even though other units at the facility continue to operate. Include in the closed and closing LDF universe storage and treatment units that are closing with wastes in place and will need post-closure care.*
- *The closed and closing universe of TSFs includes only those facilities that have or will conduct final closure of the facility. That is, no units are planning to continue to operate at the facility.]*

• As noted earlier, Regions should provide these data broken out by overall environmental priority rankings.

(Permitting continued)

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TABLE 5: CLOSURE - LDFs

	Overall Environmental Priority			Total
	High	Medium/Low	Unranked	
Closed and Closing Universe (Including Clean Closures)*				
Closure Plans Approved through FY 93				
FY 94 Projections (R/C-2a)				
Remainder to be Approved after FY 94				

At least one unit has closed or will close.

TABLE 6: CLOSURE - INCINERATORS*

	Overall Environmental Priority			Total
	High	Medium/Low	Unranked	
Closed and Closing Universe (Including Clean Closures)*				
Closure Plans Approved through FY 93				
FY 94 Projections (R/C-2a)				
Remainder to be Approved after FY 94				

Does not include Burners and Industrial Furnaces (BIFs).

At least one incinerator unit has closed or will close.

TABLE 7: CLOSURE – BIFs

	Overall Environmental Priority			Total
	High	Medium/Low	Unranked	
Closed and Closing Universe (including Clean Closures)*				
Closure Plans Approved through FY 93				
FY 94 Projections (R/C-2a)				
Remainder to be Approved after FY 94				

At least one unit has closed or will close.

[NOTE: Headquarters recognizes that BIF information is not easily identifiable in RCRIS; however, due to the fact that BIFs are a high priority for the Agency, separate reporting for BIFs is being requested here. Please provide these data based on your knowledge of BIF activity(ies) in your Region.]

TABLE 8: CLOSURE – TSFs

	Overall Environmental Priority			Total
	High	Medium/Low	Unranked	
Closed and Closing Universe (including Clean Closures)*				
Closure Plans Approved through FY 93				
FY 94 Projections (R/C-2a)				
Remainder to be Approved after FY 94				

All units have closed or will close.

2. Narrative Discussion

Please provide a narrative discussion of your closure strategy for LDFs (including storage or treatment units closing with wastes in place), addressing the following issues:

- What is your Region's timetable for approving closure plans at all LDFs?

- For those LDF facilities where closure plans have not yet been approved, what is your schedule and strategy for completing closure plans at those LDFs without approved closure plans as of FY 1994?

C. POST-CLOSURE STRATEGY

1. Instructions for Completing Tables

Please provide the following information, broken out by overall environmental priority, using the tables below:

- Number of facilities in the post-closure universe* (using Baseline Performance Measures select logic for closure universe less facilities that have been certified clean-closed);
- Number of post-closure permits issued through the end of FY 1993 (using FY 1993 STARS select logic);[†] and
- Projections for FY 1994.

• Post-closure universe means closed and closing universe less certified clean closures plus storage and treatment units closing with wastes in place.

† As noted earlier, Regions should provide these data broken out by overall environmental priority rankings.

TABLE 9: POST-CLOSURE PERMITS

	Overall Environmental Priority			Total
	High	Medium/Low	Unranked	
Post Closure Universe*				
Post-Closure Permits Issued through FY 93				
FY 94 Projections:				
Part B Closures (R/C-3a)				
Permits Issued (R/C-3c)				
Remainder to be Permitted after FY 94				

• Post-closure universe is the universe of closed and closing LDFs less certified clean closures plus storage and treatment units closing with wastes in place.

2. Narrative Discussion

Please provide a narrative discussion of your post-closure strategy, addressing the following issues:

- Regulatory authorities used to address these facilities (including post-closure permits) and progress anticipated over the next 5 years against this universe.
- If medium/low overall environmental priority facilities have been selected for action in FY 1994, what is your rationale for selecting these facilities (e.g., has a state completed action at all of its high priority facilities)?
- If you are planning to commit substantial resources to activities at medium or low priority facilities, what plans exist for shifting activities back to high priority facilities?
- For those facilities that will not be issued post-closure permits by FY 1994, what is your timetable for initiating actions at these facilities?
- For those facilities where the decision concerning what authority to use to address post-closure care has not yet been made, what is your timetable for making these decisions and what criteria are used to determine the action needed?

D. FY 94 STARS MEASURES

For each measure, provide numerical projections and identify potential facilities (by name and EPA identification number) to be addressed. Potential facilities lists may include more facilities than your Region projects for a given measure.

R/C-1a	Number of RCRA TSDFs to receive final operating permit determinations during fiscal year (from Tables 2, 3, 4, and 5, row 3).
R/C-2a	Number of RCRA TSDFs to receive closure plan approval during fiscal year (from Tables 6, 7, 8, and 9, row 3).
R/C-3a	Number of post-closure Part B applications called in (from Table 10, row 3).
R/C-3c	Number of post-closure final determinations (from Table 10, row 4).

III. CORRECTIVE ACTION

A. PRIORITIZATION

1. Instructions for Completing Tables

Assessments and NCAPS Rankings: Please provide the following information using the table below:

- Universe of facilities subject to corrective action;

[Note: The FY 1994 RIP clarifies that while certain types of facilities may be subject to corrective action, they are not to be considered part of the subuniverse of these facilities requiring RCRA initial assessments. An example of such a facility is a TSD that has converted to less than 90-day storage and has no other regulated units. By policy, the RCRA program has deferred these facilities to the Superfund program for initial assessments.]

- Number of facilities with assessments and NCAPS prioritizations completed through the end of FY 1993;
- Number of facilities projected to be assessed and prioritized for NCAPS during FY 1994;
- Number of facilities remaining to be assessed and prioritized for NCAPS after FY 1994; and
- Assessment and NCAPS prioritization projections for FY 1995 and FY 1996. (These projections should equal the number of assessments and prioritizations that remain after FY 1994.)

[Note: There is a corrective action deadline to assess all TSDs by the end of FY 96 (see FY 1994 RIP). Headquarters recognizes that new facilities may enter the TSD universe in FY 94, FY 95, or FY 96, and will work with the Regions to discuss whether meeting the FY 96 deadline will be feasible for these facilities.]

TABLE 10: ASSESSMENTS AND NCAPS RANKINGS

	Assessments	NCAPS Rankings
Universe Subject to Corrective Action		
Number of Facilities Assessed/Ranked Through FY 93		
FY 94 Projections		
Remaining after FY 94		
Projections for: FY 95		
FY 96		

TABLE 10A: ASSESSMENTS AND NCAPS RANKINGS COMPLETED UNDER STATE NON-RCRA AUTHORITIES (OPTIONAL)

	Assessments	NCAPS Rankings
Universe Subject to Corrective Action		
Number of Facilities Assessed/Ranked Through FY 93		
FY 94 Projections		
Remaining after FY 94		
Projections for: FY 95		
FY 96		

[Note: "State Non-RCRA Authorities" means (1) for non-HSWA authorized States: any clean-up actions completed at RCRA facilities, which are considered by the Region to be analagous to the events in the table above, and which were completed using a State clean-up authority; (2) for HSWA-authorized States: any clean-up actions completed at RCRA facilities, which are considered by the State to be analagous to the events in the table above, and which were completed using a clean-up authority other than that for which the Region was HSWA-authorized.]

2. Narrative Discussion

- Please provide a discussion of whether your Region is completing assessments or rankings at "other" facilities (e.g., converters) not currently captured in the select logic for the "subject to corrective action" universe.
- Provide any additional narrative discussion of the assessments and rankings done under State non-RCRA authorities, as desired. (Optional)

B. FY 1994 PIPELINE MANAGEMENT PROJECTIONS**1. Instructions for Completing Tables**

Please provide the following information using the table below:

- Number of high NCAPS facilities entering Stage I;
- Number of high NCAPS facilities entering Stage II;
- Number of high NCAPS facilities entering Stage III;
- Number of stabilization actions to be initiated at high, medium, and low NCAPS facilities;
- Number of stabilization evaluations to be initiated at high, medium, and low NCAPS facilities; and
- Number of medium/low NCAPS facilities that are high overall environmental priority in either Stage I, II, or III.

[Note: For additional guidance regarding completion of these tables, please refer to Section 2. FY 94 STARS Measures.]

TABLE 11: PIPELINE MANAGEMENT PROJECTIONS

Corrective Action STARS Measures	NCAPS High	NCAPS Medium/Low	High Overall (Medium/Low NCAPS)
Stage I (R/J-1a)			
Stage II (R/J-1b)			
Stage III (R/J-3) Stabilization Actions			
Stabilization Evaluations (R/J-2)			
Stage I, II, III at High Overall" (R/J-4)			

Please indicate which stage.

**TABLE 11A: PIPELINE MANAGEMENT PROJECTIONS FOR ACTIONS
UNDER STATE NON-RCRA AUTHORITIES (OPTIONAL)**

Corrective Action STARS Measures	NCAPS High	NCAPS Medium/Low	High Overall (Medium/Low NCAPS)
Stage I (R/J-1a)			
Stage II (R/J-1b)			
Stage III (R/J-3) Stabilization Actions			
Stabilization Evaluations (R/J-2)			
Stage I, II, III at High Overall" (R/J-4)			

Please indicate which stage.

[Note: "State Non-RCRA Authorities" means (1) for non-HSWA authorized States: any clean-up actions completed at RCRA facilities, which are considered by the Region to be analogous to the events in the table above, and which were completed using a State clean-up authority; (2) for HSWA-authorized States: any clean-up actions completed at RCRA facilities, which are considered by the State to be analogous to the events in the table above, and which were completed using a clean-up authority other than that for which the Region was HSWA-authorized.]

2. FY 94 STARS Measures

For each measure, identify potential facilities (by name and EPA identification number) to be addressed from the FY 94 Corrective Action STARS universe. Potential facility lists may include more facilities than your Region projects for a given measure.

[Note: The FY 94 Corrective Action STARS universe, as well as the universe for the Baseline Performance Measures for Corrective Action, consists of the types of facilities listed in the definition of the "Subject to Corrective Action" universe that we are currently able to obtain from RCRIS. The "Corrective Action STARS Universe" is currently comprised of: any facility in one or more of the RCRIS calculated TSD universes (LDF, TSF, and Incineration); any facility which has Underground Injection (UIC) as a verified Part A process; and facilities with appropriate operating or closing track data in the Program Management (PM) module of RCRIS which are not captured in the calculated TSD universes. The addition of the data from the PM module should enable STARS measures counts to include facilities which are defined as "Subject to Corrective Action" and which were not captured previously, particularly those facilities with: Formerly Permitted Units, Clean Closed/Closure by Removal Units, Interim Status Units, Illegal Units, Units at which Interim Status is Terminated, and UICs not previously identified in the calculated TSD universes. (See - "Corrections" in the FY 94 RIP Addendum for additional information).]

R/J-1a Number of RCRA TSD facilities entering Stage I: Information Collection and Study at high NCAPS priority facilities.

[Note: Only facilities moving into Stage I for the first time should be included. Activities covered under Stage I include RFI workplan approved (CA150) and RFI approved (CA200). In addition, facilities must have received at least one stabilization measures evaluation (CA225) to count for this measure. Facilities should generally only move into this stage if they are not feasible candidates for stabilization and are still of high NCAPS priority.]

R/J-1b Number of RCRA TSD facilities entering Stage II: Remedy Development and Selection at high NCAPS priority facilities.

[Note: Only facilities moving into Stage II for the first time should be included. Activities covered under Stage II include CMS workplan approved (CA300), CMS approved (CA350), remedy selection (CA400), or corrective measures design approved (CA450). Facilities included must have received at least one stabilization measures evaluation (CA225) to count for this measure. Facilities should generally only move into this stage if they are not feasible candidates for stabilization and are still of high NCAPS priority.]

R/J-2 Number of RCRA TSD facilities evaluated for near term actions to reduce risk and control contaminant releases (i.e., stabilization evaluations).

R/J-3 Number of RCRA TSD facilities with actions initiated to reduce and control the spread of contaminant releases. (Actions counted under this measure are first time Stage III actions at high NCAPS priority facilities and any near term risk reduction measures (i.e., stabilization measures underway) at high, medium, and low NCAPS priority facilities.)

[Note: This measure includes high, medium, and low NCAPS priority facilities with stabilization measures implemented (CA600) at one or more areas, and high NCAPS priority facilities which have moved into Stage III for the first time. Stage III (remedy implementation) incorporates CMI workplan approved (CA500) and CMI completed (CA550). To be counted for this measure a stabilization event under CA600 must have one or more of the new (i.e., SR, EC, GW, or OT) status codes entered. Facilities should generally only move into Stage III if they are not feasible candidates for stabilization and are still of high NCAPS priority. Stabilization measures implemented at an area of a facility while that area is in Stage III should be considered Stage III remedy implementation activities.]

R/J-4 Number of Stage I, II, or III actions at high overall environmental priority TSD facilities that are medium or low NCAPS priority.

[Note: Facilities must be entering Stage I, II, or III for the first time. For this measure, please identify in which stages the activity will be taking place, by facility.]

3. Narrative Discussion

Please provide a narrative discussion of your pipeline management strategy, addressing the following issues:

- Please indicate the number of facilities at which you plan to pursue the following methods of disinvestment:
 - extend schedule of compliance;
 - tailored oversight;
 - other approach; or
 - not able to disinvest.

If other disinvestment approaches are used, please describe them.

- Please also indicate the number of facilities at which you do not plan to disinvest, and discuss why you are unable to disinvest at these facilities.

[Note: Regions and States should tailor the level of corrective action oversight, especially at medium and low NCAPS facilities already in the corrective action pipeline. This section should show how the Region plans to disinvest resources going towards medium/low NCAPS facilities (and to invest more towards high priority facilities).]

- How will your Region (and the Region's HSWA-authorized States) determine if non-traditional oversight (e.g., tiered, reduced) is appropriate at a facility undergoing corrective action? At what level (e.g., staff, first or second level supervisor) will this determination be made?
- What types of innovative oversight mechanisms, if any, does your Region plan to use to oversee corrective action activities?
- When does your Region plan to reevaluate oversight levels for facilities as they move through the corrective action process (e.g., after the RFI, CMS, stabilization)?

Optional Questions

- Please provide a discussion of any issues the Region might wish to raise related to State non-RCRA authority pipeline activities at RCRA facilities.
- Please provide a discussion of any issues or concerns your Region has had in balancing the many priorities in the corrective action program (e.g., shifting resources from medium/low NCAPS to high NCAPS priority facilities, or initiating stabilization activities versus completing RFAs).

C. STABILIZATION ACTIONS

1. Instructions for Completing Tables

Please provide the following information, broken out by NCAPS priority, using the tables below:

- Number of stabilization actions to be initiated in FY 1994;
- Instruments used to implement these actions; and
- Types of stabilization actions that are being implemented and average length of time (in months) to carry out the actions from the initiation of the action until construction is completed at the facility (CA 600 to CA 650).

TABLE 12: STABILIZATION IMPLEMENTATION

	High NCAPS	Medium/Low NCAPS	Total
Number of Stabilization Actions Projected to be Initiated in FY 94 (i.e., CA 600 events)			
Instrument Used:			
EPA/HSWA authorized State Permit			
Order			
State Non-RCRA* Permit			
Order			

* Optional

[Note: "State Non-RCRA Authorities" means (1) for non-HSWA authorized States: any clean-up actions completed at RCRA facilities, which are considered by the Region to be analogous to the events in the table above, and which were completed using a State clean-up authority; (2) for HSWA-authorized States: any clean-up actions completed at RCRA facilities, which are considered by the State to be analogous to the events in the table above, and which were completed using a clean-up authority other than that for which the Region was HSWA-authorized.]

TABLE 13: STABILIZATION ACTIONS

Action	Implementation Time (in Months)	Description of Action

2. Narrative Discussion

Please provide a narrative discussion of your stabilization activities, addressing the following issues:

- A description of how your Region is phasing RFIs to collect stabilization-related data on SWMUs early in the investigation process.
- A description of the types of information a Region/State considers crucial to determining the need for stabilization.

Optional Questions

- Please provide any discussion of issues associated with non-RCRA State stabilization actions.
- Please provide a discussion of your Region's plans to input the new status codes for CA600, Stabilization Implemented/Underway in RCRIS. The codes are:

SR: Source removal
EC: Exposure control
GW: Ground-water extraction and treatment
OT: Other activity

The CMB approved the addition of these status codes, with the caveat that Regions would not be required to enter the new status codes for events currently in the system (historical data). Please include any plans your Region has to enter historical CA600 status codes in this discussion -- noting that this is encouraged, but not required.

[Note: More than one of these status codes may be entered into RCRIS to show multiple stabilization actions at the same area or same facility by entering multiple occurrences of CA600, each with a different status code, but linked to the same area or facility.]

D. EPA/STATE WORKSHARING (NARRATIVE DISCUSSION)

Please provide a narrative explanation of your Region's strategy for transitioning oversight responsibilities and workload for facilities in the pipeline, in States that have recently been HSWA-authorized, or are expected to be authorized in FY 94. For States authorized for corrective action prior to FY 93, please identify how many facilities (if any) continue to be EPA-lead for implementing corrective action. For these facilities, please describe your Region's transition plans and/or reasons why the Region intends to continue its lead implementation/oversight role.

IV. ENFORCEMENT

A. ENFORCEMENT RESOURCE ALLOCATION

1. Program Budget Elements

OWPE will provide the appropriate pieces of the FY 1994 Regional Enforcement budget and the FY 1994 §3011 State Grant funds indicating the funds allotted to each Region.

In Tables 14 and 15, Headquarters is seeking the projected Regional and State allocation of resources for the three enforcement program elements identified below. Some of the activities (line items in the current RCRA Enforcement Budget) included in each major element are identified below; however, the list of activities is not exclusive. Other activities can fall under these three enforcement elements that are not presently identified in the RCRA Enforcement budget. Include these additional activities under the appropriate budget element when making your resource determinations.

The three major elements with some of the associated activities are:

- Compliance Monitoring:
 - Current Universe Requirements
 - Newly Regulated Universes
 - Targeted Enforcement Inspections
 - Exports/Imports
 - Geographic Initiatives
 - State Oversight
- Enforcement:
 - Current Universe Requirements:
 - Administrative Actions for Compliance
 - Technical Assistance for Judicial Cases
 - Criminal Actions
 - Newly Regulated Universe
 - Targeted Enforcement (Administrative orders/Civil/Criminal)
 - Geographic Initiatives
- Elements Outside the Core Program ("Other") include:
 - State Support and Outreach
 - Pollution Prevention
 - Mexican Border

**** FOIA - EXEMPT ****

REGION

It is anticipated that the national RCRA Enforcement budget will not significantly increase or decrease in FY 1994. Based on that assumption, we are asking the Region to project its budget for the three identified enforcement program elements.

TABLE 14: PROJECTED REGIONAL ENFORCEMENT BUDGET

	FTEs	Extramural \$
Compliance Monitoring		
Enforcement		
Elements Outside of the Core Program ("Other")		

Narrative Discussion

If the Region projects a significant (greater than 20 percent increase or decrease) funding change from FY 1993, please describe this change. What program element(s) is projected to receive the significant increase in funding and which element(s) had the corresponding decrease? Describe in terms of the environmental benefit the Region expects to receive because of this funding shift.

STATES

It is anticipated the FY 1994 §3011 State Grants will not significantly increase or decrease for FY 1994. We are asking the Region to project the budget allocation to the three identified enforcement program elements based only on the federal grant dollars. Do not include matching State funds or other State monies.

TABLE 15: PROJECTED STATE ENFORCEMENT BUDGET

	State FTEs	§3011 Grant \$
Compliance Monitoring		
Enforcement		
Elements Outside of the Core Program ("Other")		

Narrative Discussion

If the State projects a significant (greater than 20 percent increase or decrease) funding change from FY '93, please describe this change. What program element(s) is projected to receive the significant increase in funding and which element(s) had the corresponding decrease? Describe in terms of the environmental benefit the Region expects to receive because of this funding shift.

B. REGION AND STATE COMPLIANCE MONITORING ACTIVITIES**1. Treatment, Storage and Disposal Facilities****REGION**

- For the Region, indicate the number of facilities where compliance monitoring activities are projected to occur in the fiscal year. Compliance monitoring activities are defined as ALL activities under RCRIS inspection values, not just CEIs, CMEs, and O&Ms.
- Federal facilities are those identified under the Solid Waste Disposal Act at §3007 (c), and as defined under the Federal Facility Compliance Act. Facilities projected to be inspected under the FFCA should be included in the table below.
- State and local facilities are those identified under the Solid Waste Disposal Act at §3007 (d).
- Commercial facilities are those identified under the Solid Waste Disposal Act at §3007 (e).
- The Other category is for facilities not listed under federal, state/local or commercial. This category would include facilities that are new and have never been inspected, not inspected in FY 1993, etc.
- To avoid double counting of facilities, use the following hierarchy to count compliance monitoring activities once, e.g., an inspection planned for an LDF with an incinerator, credit one activity to the Incinerator column.
 1. Incinerators
 2. Boilers and Industrial Furnaces
 3. LDFs
 4. TSFs

**TABLE 16: TSDFs PROJECTED TO UNDERGO
COMPLIANCE MONITORING, BY REGION**

	Incinerators	Boiler and Industrial Furnaces	LDF	TSF (Non-Combustion)
Federal				
State/Local				
Commercial				
Other				

**** FOIA - EXEMPT ****

STATES

- For each State, indicate the number of facilities where compliance monitoring activities are projected to occur in the fiscal year. Compliance monitoring activities are defined as ALL activities under RCRIS inspection values, not just CEIs, CMEs, and O&Ms.
- Federal facilities are those identified under the Solid Waste Disposal Act at §3007 (c), and as defined under the Federal Facility Compliance Act. Facilities projected to be inspected under the FFCA should be included in the table below.
- State and local facilities are those identified under the Solid Waste Disposal Act at §3007 (d).
- Commercial facilities are those identified under the Solid Waste Disposal Act at §3007 (e).
- The Other category is for facilities not listed under federal, state/local or commercial. This category would include facilities that are new and have never been inspected, not inspected in FY 1993, etc.
- To avoid double counting of facilities, use the following hierarchy to count compliance monitoring activities once, e.g., an inspection planned for an LDF with an incinerator, credit one activity to the Incinerator column.
 1. Incinerators
 2. Boilers and Industrial Furnaces
 3. LDFs
 4. TSFs

TABLE 17: TSDFs PROJECTED TO UNDERGO COMPLIANCE MONITORING, BY STATE

	Incinerators	Boiler and Industrial Furnaces	LDF	TSP (Non-Combustion)
Federal				
State/Local				
Commercial				
Other				

2. Generators and Transporters

REGION AND STATES

- For the Region and States (in aggregate), indicate the number of generators/transporters where compliance monitoring activities are projected to occur in the fiscal year. Compliance monitoring activities are defined as ALL activities under RCRIS inspection values, not just CEIs, CMEs, and O&Ms.
- Since this is the first year Headquarters is asking for a breakout of LQGs, SQGs and Transporters, the Region and States may not be able to provide this level of detail for FY 1994. Therefore, when completing this section, if the Region or State is only providing a combined total of LQGs, SQGs and Transporters, please indicate this by placing an asterisk (*) next to the number in the "LQGs never inspected" box. However, in future BYPs Headquarters will expect this level of detailed information.
- LQGs never inspected are those that have been classified as LQGs in RCRIS but no CEI has ever been conducted at that location.
- Other LQGs are those that have received a CEI but the Region or State has determined an additional CEI is warranted.
- SQGs are identified in RCRIS and the Region or State has determined a CEI is warranted.
- Non-Notifiers are those owners/operators whose operations might be required to be regulated under the RCRA program but who have never notified.

TABLE 18: GENERATORS AND TRANSPORTERS PROJECTED TO UNDERGO COMPLIANCE MONITORING

	LQGs never inspected	Other LQGs	SQGs	Delisting	Transporters	Non-Notifiers
Regions						
States (Aggregate)						

2. Generators and Transporters, continued

Narrative Discussion

The Generator universe tends to shift between LQG and SQG depending upon economic conditions. Explain if this universe shift is commonplace to your Region and State.

3. State Oversight Activities***REGION***

- For each State in your Region, describe your plan for State oversight, including the number of inspections. Please use the format as shown. Copy this page as many times as necessary.

State and Number of Oversight Inspections:

Plan Description:

C. ENFORCEMENT ACTION ACTIVITIES

- Describe the Region's Case Screening Process. What criteria determine if a case is handled as an administrative action, civil judicial action, or criminal action?

C. ENFORCEMENT ACTION ACTIVITIES, continued

- Describe the Region's and each State's participation in multimedia, RCRA program, Region- and State-specific initiatives, indicating the name and, where applicable, the objective of the initiative.

C ENFORCEMENT ACTION ACTIVITIES, continued

- For RCRA enforcement actions, do the Region and State(s) plan on utilizing pollution prevention projects as a supplemental environmental project in settlements? YES or NO. Region _____ States _____
- If State(s) are not using SEPs in RCRA enforcement settlements, please explain. Does the State(s) have alternative means of obtaining pollution prevention projects?

C. ENFORCEMENT ACTION ACTIVITIES, continued

- For multi-media enforcement actions, do the Region and States plan on utilizing pollution prevention projects as a supplemental environmental project in settlements? YES or NO. Region _____ States _____
- If State(s) are not using SEPs in multi-media settlements, please explain. Does the State(s) have alternative means of obtaining multi-media pollution prevention projects by other means?

D. RETURNING FACILITIES TO COMPLIANCE ACTIVITIES

OWPE will provide the Region with a RCRIS pull of Significant Non-Compliers (SNCs), identified as LDFs with Class I violations (ground water monitoring, financial responsibility, closure/post-closure care) and that have been out of compliance for three years or more. Please indicate your response on the RCRIS pull by placing the appropriate response next to each facility.

TABLE 19: SNC CLASSIFICATION

1. Classify SNCs in the following categories:

SNC Type	Number
Recently returned to full physical compliance (within the past fiscal year)	
In compliance with a Final Enforcement Order	
Not in compliance with a Final Enforcement Order	
Currently in litigation	
Transferred to Superfund or State Superfund program	
Unaddressed (no litigation, no CAFO or FFCA in place)	
Other (describe)	

D. RETURNING FACILITIES TO COMPLIANCE ACTIVITIES, continued

2. Describe what activities the Region and States will conduct in FY 1994 to bring Significant Non-Compliers (other than LDFs) back into compliance. Significant Non-Compliers are currently defined as any High Priority Violator (HPV) identified in FY 1991 and later that was a Generator, Transporter, or TSDF plus SNCs remaining under previous 1989 and 1990 definitions. Up to FY 1989, a SNC was any LDF with Class I violations in Groundwater, Financial Responsibility, or Closure/Post-Closure. In FY 1990, a SNC was defined as any TSDF that was identified as an HPV plus remaining SNCs from previous years.

E. RIP-FLEX**REGION**

- Describe disinvestments from statutorily mandated activities, describe specifically where those resources are to be reinvested, and explain why this reinvestment provides greater environmental benefit. Make as many copies of this page as necessary.

-- Activity disinvested:

-- Divestment (number of inspections and FTEs):

-- Use of reinvested resources:

-- Environmental benefit gained:

E. RIP-FLEX, continued

- Describe investments in activities outside of the core compliance monitoring and enforcement program.

- Activity invested:

- Investment (in FTEs and resources):

- Describe the activity:

E. RIP-FLEX , continued***STATES (by individual State)***

- Describe disinvestments from statutorily mandated activities, describe specifically where those resources are to be reinvested, and explain why this reinvestment provides greater environmental benefit. Make as many copies of this page as necessary.

STATE:

- Activity disinvested:

- Divestment (number of inspections and FTEs):

- Use of reinvested resources:

- Environmental benefit gained:

E. RIP-FLEX , continued

- Describe investments in activities outside of the core compliance monitoring and enforcement program.

-- Activity invested:

-- Investment (in FTEs and resources):

-- Description of activity:

F. OTHER QUESTIONS

Please complete each question on a separate sheet of paper. Use as many sheets as you need.

1. Referring to the FY 1993 BYP, Permit Enforcement Section, Headquarters is seeking an update to two questions.

- Has there been any improvement in coordination between enforcement and permitting staff for permit inspections and permit development? Please describe.
- Have any efforts been made to address the barriers/issues that adversely affect enforcement of permits? Please describe.

2. Environmental equity is an issue that will affect RCRA compliance monitoring and enforcement in the coming years. Please provide a narrative discussion of the environmental equity projects the Region is undertaking currently, if any. Will any of these projects be completed by FY 1994?

3. Beginning in FY 1994, Headquarters will be reviewing and updating the current Enforcement Response Policy (ERP). Please identify for us the areas of concern in the present policy and areas where we have no policy to assist the Region in applying the ERP. Suggestions on how we should apply the ERP, definition changes (e.g., HPV), or other suggestions, are welcomed. (Optional)

**DEFINITIONS FOR
MAJOR RCRA UNIVERSES
AND
SELECTED KEY RCRA TERMS**

DEFINITIONS FOR RCRA PROGRAM UNIVERSES AND KEY RCRA TERMS

The definitions for key universe and status terms provided on the following pages reflect the results of the Data Quality Focus Team's efforts to develop definitions for terms widely used to report on, and support, the RCRA program. They are intended to promote a common understanding of key RCRA terms in order to facilitate consistent tracking in the Resource Conservation and Recovery Information System (RCRIS).

UNIVERSES:

The following definitions reflect a change in the way universes have been understood and applied. They are based on the needs of the different RCRA program areas. For example, instead of defining a single TSD universe that is used in all program areas, we are defining separate universes tailored to the requirements of permitting, corrective action, and enforcement.

It is important to emphasize that the following definitions are intended to facilitate tracking of data. They are not intended to be legally enforceable or to override any definitions that may be set forth in the regulations. They may also change over time as the RCRA program expands and evolves.

List of universe terms

Permit Universe
 Inspectable Universe
 Universe of Facilities Subject to Corrective Action
 Universe of Facilities Undergoing Corrective Action

Definitions of universe terms

Permit universe - Facilities with treatment, storage, and disposal units that are or were formerly subject to permit, closure, or post-closure requirements.

The permit universe includes facilities with:

- permitted units
- formerly permitted units
- clean closed units
- interim status units
- illegal units
- units at which interim status is terminated (including LOIS units).
- units undergoing post-closure care
- units granted authority to operate under interim status compliance letters
- units formerly subject to permit requirements

and:

- proposed new facilities
- converters
- facilities that have been referred to CERCLA
- RD&D facilities
- facilities with emergency permits.

The permit universe does not include:

- permit-by-rule facilities
- protective filers.

Inspectable Universe - All RCRA regulated facilities except clean closed facilities and conditionally exempt generators.

Note: Although the RIP does not mandate inspections of SQGs, Regions and States can do them. SQG inspections are specified in some Region/State grant agreements. Conditionally exempt generators are occasionally inspected, but normally outside the scope of grant agreements.

Universe of Facilities Subject to Corrective Action - consists of facilities with:

- permitted units
- formerly permitted units
- clean closed units
- interim status units
- illegal units
- units at which interim status is terminated (including LOIS units)
- permit-by-rule facilities (including publicly owned treatment works (POTWs) that receive hazardous waste by truck, rail, or dedicated pipe, and Class I underground injection control (UIC) facilities that inject hazardous waste)
- units formerly subject to permit requirements
- units undergoing post-closure care
- units granted authority to operate under interim status compliance letters

and:

- converters
- facilities that have been referred to CERCLA.

It is important to note that facilities are subject to corrective action primarily due to their regulatory status as hazardous waste management facilities. Corrective action can be imposed at facilities through a RCRA permit, through a § 3008(h) enforcement order at interim status facilities, and through a § 7003 enforcement order at any facility handling solid or hazardous waste that may present an imminent and substantial endangerment to human health and the environment.

The universe presented here, however, contains only the first two categories: permitted and interim status facilities (as described above). Including facilities which can be reached only through a § 7003 enforcement order would mean including the entire universe of handlers (including transporters and generator-only facilities). While knowing that these facilities are potentially subject to corrective action is important, including them in the "subject to corrective action universe" would overstate the universe of facilities the Regions and States can expect will need short-term evaluations for corrective action. If any contamination problems at these facilities are addressed through § 7003 orders, they will be incorporated in the "Universe of Facilities Undergoing RCRA Corrective Action."

Note: This universe will provide the broad base for answering questions about what is the universe of facilities potentially subject to corrective action. Not all facilities within this universe may justify or require corrective action. Case-specific conditions will be considered in determining the appropriate action. Therefore, different subcategories within this universe may be identified to answer questions pertaining to the progress made at a portion of this universe. In addition, much of this universe is not currently identifiable within RCRIS, even though the facilities themselves may be in the database. Discussions with Regional and State personnel will need to occur to find out how to identify and code these facilities for future access.

A subset of the "Subject to Corrective Action Universe" is currently being used for the FY 94 Corrective Action STARS and the Baseline Performance Measures for Corrective Action, consisting of the types of facilities that we are currently able to obtain from RCRIS. The "Corrective Action STARS Universe" is currently comprised of: any facility in one or more of the RCRIS calculated TSD universes (Land Disposal, Incineration, and Storage/Treatment); any facility which has Underground Injection (UIC) as a verified Part A process; and facilities with certain codes in the RCRIS Program Management (PM) Module which are not captured in the calculated universes (codes are PM021, PM022, PM031, PM032). The addition of codes from the PM module should enable STARS measures counts to include facilities which are defined as "Subject to Corrective Action" and which we were not able to capture previously, particularly those facilities with: Formerly Permitted Units, Clean Closed/Closure by Removal Units, Interim Status Units, Illegal Units, Units at which Interim Status is Terminated, and UICs not previously identified in the calculated TSD universes.

Universe of Facilities Undergoing RCRA Corrective Action - consists of facilities where a Federal authorized State or EPA Region has determined a need for corrective action, including investigations, and which have begun the corrective action process. To be included in this universe, the facility must have an RFI imposed or some subsequent corrective action activity, not to include facilities that have had "Corrective Action Process Terminated (CA999)" or for which "Referred to a non-RCRA Authority (CA210)" events have been entered for the entire facility. This universe includes only those RCRA facilities which are undergoing corrective action under a Federal RCRA permit or enforcement authority, or under a State authority in a HSWA authorized State.

LIST OF SELECTED KEY RCRA TERMS:

We are providing current definitions for the following terms that describe types and status of handlers (many of these terms are referenced in the universe definitions).

Again, it is important to emphasize that the following definitions are intended to facilitate tracking of data. They are not intended to be legally enforceable or to override any definitions that may be set forth in the regulations. They may also change over time as the RCRA program expands and evolves.

List of terms

Class I violation
 Class II violation
 Clean closed facility
 Clean closed unit
 Converter facility
 Converter unit
 Facilities with emergency permits
 Formerly permitted unit (group) or facility
 High Priority Violator
 Illegal unit (group) or facility
 Interim status unit (group)
 Interim status facility
 Interim status terminated unit (group) or facility
 LOIS unit (group) or facility
 Medium Priority Violator
 Non-notifier unit (group) or facility
 Permitted unit (group) or facility
 Permitted/Not constructed
 Permit-by-rule facility
 Permit-by-rule unit
 Proposed new facility
 RD&D facilities
 Should have had interim status unit (group) or facility
 Significant Non-compliance
 Unit formerly subject to permit requirements

Definitions of terms

Class I Violation - Deviations from regulations, or provisions of compliance orders, consent agreements, or permit conditions which could result in a failure to:

- assure that a hazardous waste is destined for and delivered to authorized TSDs, or
- prevent releases of hazardous wastes or constituents, both during active and any applicable post-closure periods, or

- assure early detection of such releases, or
- perform emergency clean-up operation or other corrective action for such releases.

Class II Violation - Any violation of a RCRA requirement that does not meet the criteria of a Class I violation.

clean closed facility - a facility for which the owner or operator has certified closure by removal for all regulated treatment, storage, and disposal units, and that certification has been verified by the regulating Agency as acceptable. A facility with clean closed regulated units may still have corrective action obligations.

clean closed unit - a unit (group) for which the owner or operator has certified closure by removal and that certification has been verified by the regulating Agency as acceptable.

converter unit - a unit that has converted to less than 90 day storage.

converter facility - a facility at which all units have converted to less than 90 day storage.

facilities with emergency permits - facilities issued a permit under the authority of section 270.61.

formerly permitted unit (group) or facility - a unit (group) or facility that formerly had a permit, which is no longer in effect.

High Priority Violator (HPV) - A facility which meets one or more of the following criteria:

- the facility has caused actual exposure or substantial likelihood of exposure to hazardous waste or hazardous waste constituents;
- the facility is a chronic or recalcitrant violator (this may include some handlers who are regularly found to have many Class I or Class II violations);
- the facility deviates from terms of a permit, order, or decree by not meeting the requirements in a timely manner and/or by failing to perform work as required by terms of permits, orders, or decrees;
- the facility substantially deviates from RCRA statutory or regulatory requirements.

illegal unit (group) or facility - a treatment, storage, or disposal unit (group) or facility that operated but did not obtain interim status or an operating permit. Includes a unit(group) or facility that did not qualify for interim status either because it was not in existence during the period of eligibility, or because it failed to comply with the requirements of section 270.70.

interim status unit (group) - a unit (group) that either was in existence at a facility at the time the facility gained interim status or was later added under the procedures of section 270.72(a) and for which interim status is not terminated.

interim status facility - a facility that meets the requirements of section 270.70 to qualify for interim status, (that is, a facility in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to the requirement to have a RCRA permit and complies with the notification requirements of section 3010 of RCRA) and for which interim status is not terminated.

interim status terminated unit (group) or facility - a unit (group) or facility that obtained interim status but no longer has interim status due to:

- final administrative disposition of a permit application (270.73(a));
- failure to furnish a Part B application on time or to furnish in full the information on the Part B (270.10(e)); or
- failure to furnish a timely Part B or certification of compliance with groundwater or financial responsibility requirements as required by the LOIS provisions of sections 270.73(c), (d), (e), (f) or (g).

LOIS unit (group) or facility - a unit (group) or facility that obtained interim status but no longer has interim status due to failure to furnish a timely Part B or certification of compliance with groundwater or financial responsibility requirements as required by the provisions of sections 270.73(c), (d), (e), (f) or (g).

Medium Priority Violator (MPV) - A handler which meets one or more of the following criteria:

- the facility has Class I violations but is not classifiable as a High Priority Violator (criteria listed above), or

- the facility may have only class II violations, but those violations warrant an administrative order.

non-notifier unit (group) or facility - a unit (group) or facility in existence on the effective date of statutory or regulatory changes that first subjected the unit (group) or facility to RCRA requirements but failed to file the necessary notification to obtain interim status (in compliance with requirements of section 3010(a) of RCRA and Part A submission requirements of 270.10).

permitted unit (group) or facility - a unit (group) or facility for which a permit (including base program and any necessary HSWA provisions) is issued and has not been terminated.

permitted/not constructed - a unit (group) or facility for which an operating permit is issued at which construction is not complete.

permit-by-rule unit - a treatment, storage, or disposal unit that is deemed to have a RCRA permit because it meets the requirements of section 270.60.

permit-by-rule facility - a treatment, storage, or disposal facility that is deemed to have a RCRA permit because all of its regulated units meet the requirements of section 270.60.

proposed new facility - an unconstructed, unpermitted facility that is currently not regulated for which a Part B permit application has been submitted.

RD&D facilities - facilities issued a permit under the authority of section 270.65.

should have had interim status unit (group) or facility - a unit (group) or facility that was eligible to qualify for interim status but did not meet the necessary requirements (the notification requirements of section 3010 (a) of RCRA and Part A submission requirements of section 270.10), yet continued to treat, store, or dispose of hazardous waste illegally.

Significant Non-compliance (SNC) - This term has been defined in many RIPs and has changed several times. Definitions for previous periods, since changed, are still correct for those previous periods. That is, if a generator-only handler had a violation in FY 1987 which would be an HPV by the current definition, the handler is not considered to have been a Significant Non-complier for FY 1987.

The RIP definitions of SNC follow:

- FY 1987: LDFs with Class 1 GW, Closure/Post-Closure Plan or Financial Responsibility violations.
- FY 1988: Same as in FY 1987 plus any TSD with CA compliance schedule violation.
- FY 1989 - FY 1990: Any TSDs with high priority violations.
- FY 1991 - FY 1993: Any type of facility or handler with HPVs.

unit formerly subject to permit requirements - a unit that formerly conducted treatment, storage, or disposal activities subject to permit requirements but no longer conducts those activities.

STATUS OF ADDITIONAL DATA QUALITY FOCUS TEAM PROPOSALS

The Data Quality Focus Team had developed several proposals to clarify information and/or tracking processes already in RCRIS, and included these in the October 1992 package of proposed definitions. Some of these have subsequently been forwarded to the Permit Module Redesign Workgroup, others were submitted to the RCRIS Configuration Management Process and are being addressed in the Fall 1993 release of the RCRIS software.

Forwarded to the Permit Module Redesign Workgroup:

- Operating activity track
- Closure activity track
- Post-closure activity track
- Status values for "Part A Submitted" and "Part A Revised"
- Guidance on tracking "Facility Intent"

Addressed via RCRIS Configuration Management:

- Status values for "Final Permit Determination" (for both operating and post-closure permits)
- No further corrective action at this time
- Corrective action process is terminated
- Proposals to rename "RFI Approved" to "RFI Completed" and to make "RFI Report Received" an implementer-only level event
- Stabilization measures evaluation and associated status values

CORRECTIONS
TO
FY 1994 RCRA IMPLEMENTATION PLAN
APPENDIX A: STARS MEASURES
(Corrective Action Section)

***[Note: Please substitute these pages for those
currently in the RIP.]***

OFFICE OF SOLID WASTE
FY 1994
RCRA Subtitle C: Corrective Action

GOAL: Prepare for and respond to in a timely and effective manner to releases of hazardous substances into the environment.

OBJECTIVE: Develop an integrated cleanup program

ACTIVITY: Track progress of facilities through two of the three corrective action pipeline stages.

MEASURE: STAGE I: Information Collection and Study at High NCAPS Priority Facilities.

STARS CODE: R/J-1a
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/94

MEASURE: STAGE II: Remedy Development and Selection at High NCAPS Priority Facilities.

STARS CODE: R/J-1b
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/94

ACTIVITY: Track progress toward completing key activities in the corrective action program.

MEASURE: Number of TSDFs evaluated for near term actions to reduce risk and control containment releases (i.e., stabilization evaluations).

STARS CODE: R/J-2
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/94

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MEASURE: Number of TSDFs with actions initiated to reduce and control the spread of containment releases. (Actions are Stage III at High NCAPS priority facilities and near term risk reduction (i.e., stabilization measures underway) at H/M/L NCAPS facilities).

STARS CODE: R/J-3
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/94

MEASURE: Number of Stage I, II, or III actions at High Overall Environmental Priority TSDs that are a Medium or Low NCAPS priority.

STARS CODE: R/J-4
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/94

OFFICE OF SOLID WASTE
FY 1994
RCRA Subtitle C: Corrective Action Definitions

R/J-1a

Stage I: Information Collection and Study at NCAPS high priority facilities. Consider the following activities to be part of this Stage of the corrective action process: RFI Workplan Approved (CA150), RFI Approved (CA200). This measure will count the number of facilities which have moved into this stage for the first time. The facility must also have received at least one stabilization measures evaluation (CA225) to count for this measure. Facilities should generally only move into this stage if they are not feasible candidates for stabilization and are still of high corrective action (NCAPS) priority.

R/J-1b

Stage II: Remedy Development and Selection at NCAPS high priority facilities. Consider the following activities to be part of this Stage of the corrective action process: CMS Workplan Approved (CA300), CMS Approved (CA350), Remedy Selected (CA400), Corrective Measures Design Approved (CA450). Count facilities which have moved into this stage of process for the first time. The facility must also have received at least one stabilization measures evaluation (CA225) to count for this measure. Facilities should generally only move into this stage if they are not feasible candidates for stabilization and are still of high corrective action (NCAPS) priority.

R/J-2

This measure will count the number of facilities which have received at least one stabilization measures evaluation (CA225).

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R/J-3

This measure will count the sum of: (1) the number of H/M/L corrective action (NCAPS) priority facilities with stabilization measures implemented (CA600) at one or more areas, and (2) the number of high corrective action (NCAPS) priority facilities which have moved into Stage III for the first time. Stage III -- Remedy Implementation, incorporates the following activities: CMI Workplan Approved (CA500), CMI Completed (CA550). Facilities should generally only move into Stage III if they are not feasible candidates for stabilization and are still of high corrective action (NCAPS) priority. Stabilization measures implemented at an area (as defined in RCRIS) of a facility while that area is in Stage III, should be considered Stage III remedy implementation activities.

R/J-4

This measure will count the completion of Stage I, II, and III activities at medium and low corrective action (NCAPS) priority facilities which are also a high overall environmental priority. The Stage I, II, and III activities will be counted as specified in R/J-1a, R/J-1b and R/J-3. A facility with activities in more than one Stage in a single quarter will be counted as completing activity in the furthest along Stage. These facilities will then be checked against facilities listed as high overall environmental priority according to the EPR event in the Program Management module of RCRIS to identify the subset of facilities to be counted for this measure.

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**FY 1994 Corrective Action STARS:
Clarification of Changes from FY 1993 Logic**

Change in dates

Change hard-coded FY 1993 dates to FY 1994 dates.

Change in nomenclature

FY 1993 All measures looked at "the universe of facilities subject to Corrective Action."

FY 1994 All measures should be referred to as looking at "facilities in the Corrective Action STARS universe."

Note:

The FY'94 Corrective Action STARS universe, as well as the universe for the Baseline Performance Measures for Corrective Action, consists of the types of facilities listed in the definition of the "Subject to Corrective Action" universe that we are currently able to obtain from RCRIS. The "Corrective Action STARS Universe" is currently comprised of: any facility in one or more of the RCRIS calculated TSD universes (Land Disposal, Incineration, and Storage/Treatment); any facility which has Underground Injection (UIC) as a verified Part A process; and facilities with appropriate operating or closing track data in the Program Management (PM) Module of RCRIS which are not captured in the calculated TSD universes (appropriate values in the PM module are: PM021, PM022, PM031, and PM032). The addition of the data from the PM Module should enable STARS measures counts to include facilities which are defined as "Subject to Corrective Action" and which we were not able to capture previously, particularly those facilities with: Formerly Permitted Units, Clean Closed/Closure by Removal Units, Interim Status Units, Illegal Units, Units at which Interim Status is Terminated, and UICs not previously identified in the calculated TSD universes.

Change in logic used to identify the CA STARS universe

FY 1993 The universe of facilities subject to CA comprised the following facilities:

Any facility in one or more of the calculated TSD universes:

HULANDDISP = X OR HUINCIN = X OR HUSTORTRT = X

or any facility that has underground injection as a verified Part A process:

HWA_SRC = E OR S AND

HPROC = D79 AND HPROC_STATUS = B OR R

FY 1994 The Corrective Action STARS universe comprises the following facilities:

Any facility in one or more of the calculated TSD universes:

HULANDDISP = X OR HUINCIN = X OR HUSTORTRT = X

or any facility with one or more land disposal unit groups that is permitted or for which the facility is seeking a permit:

COM_TYPE = MYO AND COM_MOD_TRK = PM021

or any facility with one or more land disposal unit groups that is closed or closing:

COM_TYPE = MYO AND COM_MOD_TRK = PM022

or any facility with one or more incineration unit groups that is permitted or for which the facility is seeking a permit:

COM_TYPE = MYO AND COM_MOD_TRK = PM031

or any facility with one or more incineration unit groups that is closed or closing:

COM_TYPE = MYO AND COM_MOD_TRK = PM032

or any facility that has underground injection as a verified Part A process:

HWA_SRC = E OR S AND

HPROC = D79 AND HPROC_STATUS = B OR R

Change in logic used to determine facility-level NCAPS ranking

FY 1993 Multiple rankings were looked at hierarchically

FY 1994 Given that multiple NCAPS rankings may be recorded for a facility over time, and given that some Regions and States have chosen to perform separate NCAPS rankings for separate areas at some facilities, it is necessary to determine a facility-level NCAPS ranking. In cases

where data on multiple rankings exist, the facility-level ranking is determined by applying whichever of the following rules is appropriate to the way in which NCAPS rankings have been recorded in RCRIS.

(1) When records of multiple rankings exist at the facility level as "legitimate orphans" (i.e., not linked to areas), the NCAPS ranking is:

EV_STATUS value accompanying
EV_CODE = CA075 with the latest EV_ACTUAL

(2) When records of multiple rankings exist and have been linked to areas, the NCAPS ranking is determined by first identifying the status code (EV_STATUS) with the latest date (EV_ACTUAL) for each area (CA_AREA). The NCAPS ranking for the facility is:

HI, if one or more areas have EV_STATUS = HI as the latest ranking; or

ME, if no areas have EV_STATUS = HI as the latest ranking, but one or more areas have EV_STATUS = ME as the latest ranking; or

LO, if no areas have EV_STATUS = HI or ME as the latest ranking, but one or more areas have EV_STATUS = LO as the latest ranking.

(3) When records of multiple rankings exist and one or more have been linked to areas and one or more have not been linked to areas, the NCAPS ranking is determined by treating the unlinked records as being for another "area," and then following the logic under (2).

Change in logic used when looking at instruments

FY 1993 CI_INST ≠ " "

FY 1994 CI_INST = A, C, D, J, M, N, O, P, OR U

Change in logic used in evaluating CA600 status codes for R/J-3

FY 1993 The portion of the logic that evaluates stabilization measures implemented uses current status codes:

...
EV_CODE = CA600 AND
EV_STATUS = FA OR FI OR " "
...

FY 1994 The portion of the logic that evaluates stabilization measures implemented should be modified to use the new status codes:

```
...
EV_CODE = CA600 AND
EV_STATUS = SR, EC, GW, OR OT
...
```

Note: Multiple stabilization measures implemented during FY 1994 (i.e., multiple CA600s on the same day but with different status codes, or with the same status code but with different dates) will be counted separately.

Change in logic used in selecting facilities for potential counting for R/J-4

FY 1993 Because specific overall environmental priority rankings did not pass to Oversight (that is, specific rankings were compressed into a flag that indicated only that ranking had been done), FY 93 STARS software could not include the screen that required looking only at facilities ranked "High" overall.

FY 1994 An additional check should be added to the logic to do the following before checking for facilities ranked "Medium" or "Low" for NCAPS:

the facility has been designated as high overall environmental priority (EPR):

```
COM_TYPE = EPR AND
COM_MOD_TRK = PM101
```

if a facility has multiple records on EPR rankings, ranking dates (COM_EFF_DT) must be checked to ensure that the latest ranking (COM_MOD_TRK) is PM101.

FY 1994
RIP RESPONSIVENESS
SUMMARY

Responsiveness Summary

FY'94 RIP

May 5, 1993

RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
GENERAL	
<p>There was concern expressed about limiting the flexibility for States to address priorities that may be different from national priorities.</p> <p>The high number of priorities prompted a request for setting priorities among the activities or offering tools for making decisions about which high priority activities to pursue.</p>	<p>The Strategic Management Framework allows flexibility for Regions and States to set environmental priorities and focus activities to meet their high priority needs. The FY 94 RIP provides increased Regional and State flexibility over previous years.</p> <p>In most chapters, language was added to better identify what Headquarters considers the highest priority activities.</p>
EXECUTIVE SUMMARY	
<p>Clarify the role of the Strategic Management Framework as a management tool for focusing program resources.</p>	<p>Addressed in the Introduction.</p>
INTRODUCTION	
<p>Explain how the program fits within the OSWER Strategic Plan.</p> <p>Outreach is mentioned as important for pollution prevention; other areas of the RCRA program can benefit from more outreach activities, including the regulated community.</p>	<p>Addressed in the Introduction.</p> <p>Education and outreach are listed as one of the areas in which the RIP supports Agency themes.</p>

OSWER DIRECTIVE # 9420.00-09-a

RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
PRIORITY RANKING	
There was concern about the Strategic Management Framework's 15% limit on activities that are not high priority.	The "other considerations" limit of 15% is a guideline to ensure that the highest priority facilities receive attention.
Doubts were expressed about the appropriateness of using NCAPS as a tool for re-ranking facilities.	There is currently no other suitable ranking mechanism available.
There was a mix of agreement and disagreement about the benefits of re-ranking facilities.	Re-ranking is encouraged when it is a useful management tool.

RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
PERMITTING	
<p>A need was expressed for a mechanism to track clean-closed facilities within RCRIS.</p>	<p>Headquarters agrees. The fact that a number of RCRIS implementers have excluded clean closed facilities from RCRIS has been a major problem for Headquarters as we report to Congress, GAO, and others with a particular interest in the status of these facilities. Clean closure event codes already exist in the RCRIS Permit Module. These facilities should not be coded as non-regulated in order to be counted in Permitting/Closure and Corrective Action universes. This is one of the many reasons that it is important to implement facility intent indicators in RCRIS. By assigning clean-closed facilities an intent indicator, we can identify them as part of the permit universe. This is the only method available at this time. Currently, facility intent is captured in the Program Management Module. Guidance is being developed to move this intent data to the Permit Module to implement a decision reached in the RCRIS change management process.</p>
<p>Emphasis should be on high priority facilities, but States must act on all permit actions regardless of priority ranking.</p>	<p>Headquarters recognizes that there is a certain amount of maintenance work that must be done to run the permit program, and this is implied in the Permitting Chapter.</p>
<p>There was agreement about focusing STARS on high priority facilities, but concern about also tracking permitting activities at medium and low priority facilities. Some States are required to respond to permit applications in a timely manner, regardless of facility priority.</p>	<p>Headquarters recognizes that there is a certain amount of maintenance work that must be done to run the permit program, and this is implied in the Permitting Chapter.</p>

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RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
PERMITTING	
<p>The post-closure STARS measure should include closures driven by a permit or a corrective action order.</p> <p>It would be helpful if the FY'92 accomplishments chart showed the universe of facilities in each category to help illustrate the amount of work remaining in those categories.</p>	<p>These accomplishments are recognized in the corrective action STARS measures. We do not think we should count them twice, but we do consider them when we evaluate our progress against the universe.</p> <p>The FY'92 accomplishments were deleted in the final FY'94 RIP.</p>
CORRECTIVE ACTION	
<p>Respondents agreed that Headquarters' goals should be included; however, clarification is needed concerning the relationship between Headquarters' goals and Agency themes and the way in which Regions would be expected to implement the goals.</p> <p>Some respondents liked the idea of addressing corrective action guidance, references, and upcoming regulations in the RIP; some reviewers suggested sending such information separately from the RIP or placing it in an appendix to the RIP.</p> <p>There was concern over the proposed quantitative results expectation for addressing high priority facilities. The objectives set forth in the BYP should be sufficient for numerical goals. States want to maintain flexibility in the manner in which they rank facilities.</p> <p>There was general disagreement with the proposal to re-rank facilities after stabilization due to the potential for manipulation to achieve desired results; lack of a standard process by which a facility is re-ranked; and the potential for increased resource needs and delays in final remediation. If re-ranking is required, the process for doing so needs to be clear.</p>	<p>We addressed Headquarters themes which would affect Regions in the coming year, and we clarified ways in which the Regions will be involved.</p> <p>A short, succinct list of upcoming regulations was included in the FY'94 RIP. We included issues which might affect Regions beginning in FY'94.</p> <p>No numerical goals were specified in the RIP. However, Headquarters, in coordination with the Regions, will be working on a long-term strategy which would include overarching goals. The process for ranking facilities for corrective action remains the same -- NCAPS should be used.</p> <p>Re-ranking is not required. However, Regions and States have the flexibility to re-rank using NCAPS when they believe it is necessary.</p>

RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
CORRECTIVE ACTION	
<p>Most respondents agreed with the RIP's emphasis on moving away from medium and low priority facilities. However, there seemed to be a desire to examine this issue further due to its questioned applicability to corrective action through permits (versus orders) and to the need for flexibility to ensure that overall high priority sites are also addressed.</p>	<p>The flexibility to address overall priority facilities remains in the RIP. Regions and States should address high priority NCAPS facilities first -- whether through permits or enforcement orders. For high priority permits which are medium or low NCAPS priority, the Region should extend the schedules of compliance and implement tiered oversight.</p>
<p>Most respondents disagreed with the proposal to delete STARS Measure R/J-4 since STARS measures do not necessarily drive priorities, yet they provide an accurate picture of progress.</p>	<p>R/J-4 remains a STARS Measure for FY'94.</p>
<p>Although there was general agreement with the proposal to favor cleanup actions over studies, there were concerns over the need for flexibility.</p>	<p>The flexibility remains, but with a bias toward cleanup actions, when possible.</p>
<p>OSW was encouraged to rely on existing Superfund guidance for oversight of fieldwork rather than create new guidance.</p>	<p>Although Headquarters is not exactly sure to what the commenter is referring, the RCRA program is generally different from Superfund, due to the presence of an owner/operator at many facilities. This fact may make active field oversight different for the RCRA corrective action program. Thus, the RCRA program developed a Tiered Oversight Guidance document. However, in general, the RCRA program reviews relevant Superfund guidance and works with the Superfund program prior to issuing field guidance.</p>
<p>Some respondents cautioned against using the term "interim goals" to describe criteria used when technical impracticability in achieving full cleanup may be an issue.</p>	<p>No response necessary.</p>
<p>Most respondents concurred with Headquarters' plans to discuss the FY'94 BYP and EYR with Regions before making any changes; there were many recommendations made to improve the BYP/EYR process, especially by Region 4.</p>	<p>The Regions' recommendations will be taken into consideration before making changes to the BYPs. A workgroup (with Regional participation) has already been formed to address these issues.</p>

OSWER DIRECTIVE # 9420.00-09-a

RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
CORRECTIVE ACTION	
<p>Most respondents disagreed with the idea of reinstituting STARS targets; there has not been enough time to evaluate the effect of not having targets.</p> <p>There was confusion over the Regions' role in the area of tiered oversight, as well as inconsistency between the RIP's question regarding increased emphasis on fieldwork oversight and the need to economize on resources by using tiered oversight.</p>	<p>STARS targets were not re-instituted in the FY'94 RIP.</p> <p>The RIP has been revised to suggest that Regions and States can develop oversight plans to determine appropriate oversight of facility investigations and cleanup actions based on owner/operator capabilities and facility conditions.</p>

RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
OTHER PRIORITY ACTIVITIES	
<p>The RIP should promote simplified and accelerated authorization as a key goal for FY'94.</p>	<p>Headquarters agrees. The new Cluster Rule guidance promotes accelerated authorization of material from incomplete or overdue Clusters and is promoted in the RIP.</p>
<p>Do not devote further resources to encouraging Tribal full authorization or developing Tribal programs identical to State programs. Implement less resource intensive, creative approaches (e.g., circuit riders).</p>	<p>The circuit rider program is now underway in Regions 4, 6, 7, 8, 9 and 10.</p>
<p>Focus activities on new ways to enhance Tribal solid and hazardous waste management capabilities.</p>	<p>We are encouraging Tribes to apply for multi-media grants which are designed to enhance Tribal capabilities.</p>
<p>The measure of success for authorization should include adopted rules.</p>	<p>Yes. This issue has also been incorporated into the RIP.</p>
<p>Clarify that Regions may authorize approval applications for incomplete clusters.</p>	<p>See response above on Cluster Rule guidance.</p>
<p>States may not favor interim authorization.</p>	<p>Interim authorization (I.A.) is not mandatory; some States have indicated a need for I.A. Also, States have indicated that an approach to I.A. that did not use it as a second option would be desirable. The RIP identifies a streamlined I.A. approach as an emphasis.</p>
<p>Establish a separate grant system for waste minimization within the Section 3011 system.</p>	<p>Regions are encouraged to use the §3011 grants to support all areas of the RCRA program; individual States and Regions have the flexibility to negotiate activities.</p>
<p>Adopt waste minimization as a FY'94 initiative; use funding levels that accrue as funding levels for other initiatives decrease.</p>	<p>There is no specific funding available for waste minimization in FY'94.</p>

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RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
OTHER PRIORITY ACTIVITIES	
<p>Integrate waste minimization themes into all sections of the FY'94 RIP, not just the waste minimization section.</p>	<p>As an Agency-wide priority, waste minimization is a strong component of all aspects of the RCRA program. Changes were made to the Permitting Chapter.</p>
<p>Establish policy and guidance for waste minimization plans at facilities.</p>	<p>The <u>Facility Pollution Prevention Guide</u> is referenced. Future policy will be sent under separate cover.</p>
<p>Two respondents said that permit and enforcement programs should suggest a range of resources to be devoted to pollution prevention (e.g., 5%). One respondent said that it is too costly to design permit and enforcement programs that incorporate waste minimization; motivate pollution prevention through education (e.g., inspectors provide information during inspections).</p>	<p>The RIP offers suggestions for encouraging pollution prevention but does not set specific resource goals. Instead, the Region or State should use discretion in setting specific resource goals.</p>
<p>Track waste minimization progress through BRS and specialized surveys to measure generation and minimization across a range of facilities.</p>	<p>A discussion of how to use the BRS has been incorporated.</p>
<p>Add time to State and Regional timetables for completing the BRS process (e.g., 60 days).</p>	<p>See revised Exhibit 5-1.</p>
<p>RCRA staff involvement in the evaluation and negotiation of State ground water protection programs raised concerns.</p>	<p>Language was modified to encourage involvement instead of making it mandatory.</p>

OSWER DIRECTIVE # 9420.00-09-a

RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
COMPLIANCE MONITORING AND ENFORCEMENT	
<p>Inspections are divided into too many categories. Headquarters should prioritize inspection categories.</p>	<p>Headquarters has reduced the number of inspection categories and provided Regions and States with "significance" levels for program activities. Also, inspections have been identified as only one means of monitoring compliance.</p>
<p>The FY'94 RIP needs to provide more balance between traditional enforcement and educational outreach efforts.</p>	<p>Though outreach has not been identified as a major core component, it is another means of seeking compliance. In FY'94, Regions and States will have the ability to "invest" in such activities. Outreach activities must be identified as an investment and described in the FY'94 BYP.</p>
<p>On page 6-6, we recommend that follow-up activity for TSDFs be conducted at any TSDF issued an enforcement action or compliance schedule from letters of warning to CAFOs.</p>	<p>Appropriate follow-up will be determined by the Region or State based upon the three criteria discussed in the FY'94 RIP.</p>
<p>On page 6-8, we recommend that inspection for facilities subject to Phase II of the Air Emission Rule not be required until FY'94 to allow time for staff training prior to conducting the inspections.</p>	<p>Headquarters has deleted the Phase II discussion. Phase II training is anticipated to begin in FY'94.</p>
<p>The FY'94 RIP continues to emphasize inspecting 8% of LQGs. This should be reduced due to the number of other national inspection priorities.</p>	<p>Headquarters no longer specifies 8% of LQGs, but rather gives Regions and States the responsibility to determine the appropriate mix of inspection activities.</p>
<p>Concerning follow-up inspections, Headquarters should not try to fashion an unworkable set of criteria for the Regions and States to use.</p>	<p>Regions and States will determine the appropriate follow-up based upon the criteria outlined in the FY'94 RIP.</p>
<p>Follow-up inspections should be considered part of the RCRA grant when completed at RCRA TSDFs.</p>	<p>These inspections can be considered part of the grant.</p>

OSWER DIRECTIVE # 9420.00-09-a

RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
COMPLIANCE MONITORING AND ENFORCEMENT	
<p>The RIP should recognize that Regions and States are having major problems complying with the ERP. The ERP needs to be reexamined.</p>	<p>Headquarters recognizes the many problems associated with the ERP and will begin to revise the ERP in FY'94.</p>
<p>Certain permit violations should not be considered Class I violations if they do not cause or have the potential to cause damage to human health or the environment.</p>	<p>This is established in the ERP. We will consider this when revising the ERP.</p>
<p>Extend T&A response for combustion compliance monitoring at BIFs and incinerators.</p>	<p>See above comment.</p>
<p>Concerning RIP-Flex, Regions/States should be allowed to disinvest more than the current 25% from national priority activities.</p>	<p>Because of the new flexibility provided in allocating enforcement resources, Headquarters believes there will not be a great need for investing or disinvesting enforcement resources from the basic core enforcement program.</p>
<p>Concerning STARS measures, R/E-4 facilities should be counted as "in compliance" if they are complying with the terms of a legally enforceable compliance schedule. To the extent facilities are tracked for "full physical compliance," such compliance should consider only Class I violations.</p>	<p>Headquarters will continue to use the FY'93 STARS measure which tracks facility compliance with compliance schedule.</p>
<p><u>Effectiveness of enforcement.</u> The RIP should include a more detailed discussion of how the Agency is determining the effectiveness of its enforcement actions. Monitoring SNC compliance rates is inadequate.</p>	<p>Headquarters agrees. Some of the newer STARS measures attempt to capture this information. However, in FY'94 we have had to return to some of the traditional measures per Habicht's January 14, 1993 memo.</p>
<p><u>Benefits derived from SEPs.</u> The RIP should include a measure of the benefits derived from SEPs, in addition to tracking the number of cases filed and penalties collected. The current guidance inhibits the use of SEPs.</p>	<p>There is a STARS measure which tracks the number of pollution prevention activities incorporated into enforcement settlements. While this measure tracks only numbers, Regions can discuss in their EYRs the environmental benefits achieved through the use of SEPs.</p>

OSWER DIRECTIVE # 9420.00-09-a

RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
COMPLIANCE MONITORING AND ENFORCEMENT	
<p>Is there any way to capture the amount of waste recycled by government/industry and reused? How about enforcement settlements which include waste minimization? Or inspections which include waste minimization education?</p> <p>In addition, some explicit statement is needed to address the recent memo on core enforcement measures.</p> <p>The RCRA facilities in SNC is an important universe for subsequent enforcement actions. These should be captured in some BOY measure to which are directed subsequent enforcement actions for bringing facilities into compliance.</p> <p>Additional training money is necessary to attend the RCRA Inspector Institute in Denver, CO. Advance notification of training dates is necessary. It was suggested that authorized States be afforded the opportunity to use existing EPA contracts for training.</p> <p>State requests additional RCRA grant funding for new enforcement initiatives initiated to identify manifest violations and illegal transfer activities.</p>	<p>RCRA Enforcement currently has a STARS measure which captures the number of pollution prevention activities included in settlements. In the future, Headquarters will consider a measure which examines the number of inspections that included some waste minimization activity.</p> <p>Headquarters has placed an asterisk beside each STARS activity that addresses the Deputy Administrator's requirement for a core enforcement program.</p> <p>The FY'94 RIP identifies this as a third core program component. Rather than develop another STARS measure, Headquarters will request the Regions to highlight in their BOY plans the enforcement activities aimed at returning facilities to compliance.</p> <ul style="list-style-type: none"> - At this time, additional training money is not available. - The RCRA Inspector Institute's four training dates for any fiscal year are usually: the last week in January, the first week in April, the last week of July, and the third week of October. - Headquarters examined this issue several years ago, and it could not be done. It is recommended that States use ASTSWMO to discuss this issue with the airlines. <p>Although additional federal funding is not currently available, States are encouraged to use RIP-Flex for special enforcement initiatives.</p>

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RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
COMPLIANCE MONITORING AND ENFORCEMENT	
<p>Imposing a national policy (RCRA Penalty Policy) on establishing penalties cannot be done. As with enforcement in general, penalties can only be established on a case-by-case basis. Enforcement is best conducted at the State level.</p>	<p>The RCPP is a valuable tool for developing a penalty which can be supported in court or an administrative hearing. Regions shall continue to encourage the States to use the RCPP.</p>
<p>The increased time to calculate, document, and sign-off on penalty calculations delays the issuance of complaints.</p>	<p>Headquarters understands these problems and will address the problems when the ERP is revised.</p>
<p>The RIP makes several recommendations as to what it is that States may want to consider to enhance enforcement capability. Caution is urged, as States are in the position to judge what the most viable alternatives are.</p>	<p>Headquarters can only encourage States to improve their enforcement capabilities once the base program is established. We will continue to encourage States to permit enforcement program offices to issue administrative penalties, strengthen criminal regulations, provide for higher penalties, etc.</p>
<p>On page 6-8, the fifth paragraph, move all bold and bullets. The paragraph beginning "Regions and States should be aware of the new rules and regulations..." should be placed before <u>Wood Preservers</u>.</p>	<p>Recent and new rules are now contained in the <u>General Compliance Monitoring</u> Section.</p>
<p>On page 6-10 refer to the fourth paragraph beginning "Fundamental Enforcement Principles for FY'94." "... maximizing difference and obtaining compliance by the regulated community..." is a nice goal but not a guiding light to set priorities.</p>	<p>A new system for establishing priorities is outlined in the FY'94 RIP.</p>
<p>Change "TSDs Out of Compliance with Orders" to "TSD Respondents/Defendants Out of Compliance with Administrative Orders/Judicial Decrees."</p>	<p>Rather than revising the heading, Headquarters has designated "Returning Facilities to Compliance" as the third core component of the RCRA Enforcement program.</p>
<p>Modify the discussion about HWC inspectors to recognize that the program will have been well established and indicate any changes or special activities planned for FY'94.</p>	<p>Discussion has been deleted. In this area, Headquarters has identified three compliance monitoring sub-activities and attached a "significance" level to each sub-activity.</p>

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COMMENT	RESPONSE
COMPLIANCE MONITORING AND ENFORCEMENT	
<p>Dichloromethane is not a bioaccumulative substance, but is an example of a pollutant-specific initiative under consideration by the EMC.</p> <p>Expand the discussions on the Used Oil Rule and Federal Facilities Compliance Act.</p> <p>Update issue date information on page 6-12 regarding the §3008(h) model order.</p>	<p>Headquarters agrees with the comment. The Agency has identified Dichloromethane and Bioaccumulative substances as multi-media initiatives for FY'94 and FY'95. Additional information concerning these and other Agency multi-media initiatives are located in the Addendum to the Enforcement Chapter.</p> <p>Headquarters has expanded the discussions. (See the <u>Compliance Monitoring</u> section.)</p> <p>Headquarters deleted previous reference to the issue date. Headquarters expects to release the model by the end of 1993.</p>
ACCOUNTABILITY	
<p>Authorized States, not the Regions, should be held accountable for the accuracy of their data.</p> <p>One respondent asked for a clear definition of success in corrective action; another asked for more direct environmental indicators in RCRIS of progress made in corrective action; two others asked that a system for judging the effectiveness of regulatory programs relative to their protection of human health and the environment be established.</p> <p>Provide more defined guidance for the BYP and EYR.</p>	<p>Headquarters agrees.</p> <p>See discussion about environmental indicators in the revised RIP. We are making progress toward these goals; however, it will be a long-term effort. The Corrective Action Measures of Success workgroup is also continuing to develop approaches that could be implemented in the near term.</p> <p>The RIP addendum due out in May will address BYP and EYR issues.</p>

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RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
ACCOUNTABILITY	
<p>Standardize information in the BYP and EYR and distribute fact sheets or QA/QC documents to ensure all States and Regions are taking a standard approach to providing this information; initiate a process for electronic reporting through RCRIS; develop software so BYP can be produced directly from RCRIS.</p> <p>One respondent indicated that November 30, 1993 should be the due date for the BYP so the work plan can be negotiated with the states; while another said that January rather than November should be the month in which the BYP is due.</p> <p>Continue to reduce the number of STARS measures in the RIP and describe only highlights of program progress.</p> <p>Two respondents asked that the RIP provide definitions of the major programmatic universes in the FY'94 RIP, while one said that universes should not be defined in the RIP.</p> <p>Expand RCRIS to include new types of inspections (e.g., lead, wood preserving).</p>	<p>The addendum to the RIP to be issued in May will address specific issues related to the BYP and EYR.</p> <p>The addendum to the RIP to be issued in May will address specific issues related to the BYP and EYR.</p> <p>The STARS measures have changed little from the last RIP.</p> <p>The Data Quality Focus Team is addressing these issues. See discussion under Data Management.</p> <p>OSW has initiated a new change management process for Headquarters, Regions, and State evaluation and decision making for major system/programmatic enhancements to RCRIS.</p>
MUNICIPAL AND SOLID WASTE MANAGEMENT	
<p>Continue to direct EPA's role in improving compliance with the 40 CFR Section 258 criteria in unapproved and disapproved Tribes (e.g., through education and outreach and development of strategies for disapproval of Tribal programs and EPA enforcement, as necessary).</p> <p>Add other initiatives for promoting recycling to the first paragraph (e.g., outreach).</p>	<p>One of the top priorities of the OSW Indian Program is to facilitate effective implementation of MSW programs, including the criteria on Indian lands. This will continue to be a priority in FY'94.</p> <p>The first paragraph under the recycling/market development goal includes outreach and education. Outreach and education are tools for accomplishing the program objectives.</p>

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RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
MUNICIPAL AND SOLID WASTE MANAGEMENT	
Continue to recognize the importance of the landfill criteria effort in the FY'94 RIP.	Implementation of the MSWLF criteria will continue to be a top priority for FY'94. It is listed as the first priority on page 1 of Chapter 8.
APPENDIX A: STARS MEASURES	
<p>Provide universes for STARS measures (e.g., RCRA facilities in the permitting track, RCRA facilities prioritized under NCAPs).</p> <p>Provide in the FY'94 RIP a snapshot of universe data at the beginning of the year.</p> <p>Provide a list of facilities that apply to STARS measure R/E-2a.</p>	<p>Universe information should come from the Baseline Performance Measures.</p> <p>Because of the April release date for the RIP, any snapshot information would be stale by the beginning of the fiscal year. The most current information can be pulled from the Baseline Performance Measures.</p> <p>Because of the April release date for the RIP, any snapshot information would be stale by the beginning of the fiscal year. The most current information can be pulled from the Baseline Performance Measures.</p>

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RESPONSIVENESS SUMMARY

COMMENT	RESPONSE
APPENDIX B: BEGINNING OF YEAR PLAN GUIDANCE	
<p>Provide Regions with a standardized format rather than software for the BYP.</p> <p>Lists, categories, and projections requested in the FY'94 RIP should be retrievable from RCRIS.</p> <p>The five enforcement-related elements of the BYP identified in the RIP should be expanded to include discussion of investments and disinvestments and an accountability mechanism for RIP-Flex.</p>	<p>See the Addendum to the RIP, scheduled for release around mid-May.</p> <p>See the Addendum to the RIP, scheduled for release around mid-May.</p> <p>See the Addendum to the RIP, scheduled for release around mid-May.</p>
APPENDIX C: END OF YEAR REPORT GUIDANCE	
<p>Provide Regions with a standardized format rather than software for the EYR.</p> <p>Lists, categories, and projections requested in the FY'94 RIP should be retrievable from RCRIS.</p>	<p>See the Addendum to the RIP, scheduled for release around mid-May.</p> <p>See the Addendum to the RIP, scheduled for release around mid-May.</p>
APPENDIX C-1: BASELINE PERFORMANCE MEASURES	
<p>Two respondents asked that select logic for RCRIS data pulls continue to be provided, but in a format which management and technical staff can understand and one that data management personnel can interpret. One respondent said that a description of the select criteria (e.g., where the universes came from) rather than the data pull would be helpful.</p>	<p>See the Addendum to the RIP, scheduled for release around mid-May.</p>

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